

If you need assistance completing this application (general inquiries only) please contact Susan Walker, 974-2202; 505 Barton Springs Road, 2nd Floor (One Texas Center).

CASE # CIS-2010-0117

Revised

ROW # _____

**CITY OF AUSTIN
APPLICATION TO BOARD OF ADJUSTMENT
GENERAL VARIANCE/PARKING VARIANCE**

WARNING: Filing of this appeal stops all affected construction activity.

**PLEASE: APPLICATION MUST BE TYPED WITH ALL REQUESTED
INFORMATION COMPLETED.**

STREET ADDRESS: 2714 E 3rd St

LEGAL DESCRIPTION: Subdivision – W. B. Anthony

Lot(s) 2 Block 4 Outlot 12
Division "O"

I/We Brian Evans
on behalf of myself

affirm that on September , 15th , 2010

hereby apply for a hearing before the Board of Adjustment for consideration to:

(check appropriate items below)

 ERECT ATTACH COMPLETE REMODEL X MAINTAIN

The front porch of my residence.

in a SF-3 district.
(zoning district)

NOTE: The Board must determine the existence of, sufficiency of and weight of evidence supporting the findings described below. Therefore, you must complete each of the applicable Findings Statements as part of your application. Failure to do so may result in your application being rejected as incomplete. Please attach any additional support documents.

VARIANCE FINDINGS: I contend that my entitlement to the requested variance is based on the following findings (see page 5 of application for explanation of findings):

REASONABLE USE:

1. The zoning regulations applicable to the property do not allow for a reasonable use because:

When this house was originally built the set backs were less invasive to the home owner. Originally, when this house was built in 1954, the front setback was 15 feet rather than the current 25 feet. To impose more stringent set back rules on existing older homes in older neighborhoods does not allow for a reasonable use in the current day. It is also inconsistent with maintaining the "look" of an established neighborhood. A 5 foot gabled porch does not keep rain off the front door sill, does not keep the sun off the south facing (front) wall and windows during hot weather months, and does not allow for reasonable comfort, i.e. shade when sitting on the front porch. A 5 foot front porch is not reasonable in itself in that there is no way for a person walking on a porch to be sitting in a chair away from the front wall of the house to pass the person sitting in the chair without some finagling.

Further, energy efficiency was not a concern at the time this house was built or the builder certainly would have made the porch so that it at least shaded the front windows. Energy efficiency was not much of a concern in the early to mid 1980s when the current set back rule was imposed either. The city claims to be in favor of energy efficiency and the less energy I use, the less energy the city has to make. This porch is an energy efficient design including a galvalume roof.

HARDSHIP:

2. (a) The hardship for which the variance is requested is unique to the property in that:

The average set back lines of the 4 adjacent lots on my side of the street is 17'3". My current setback of my front porch is 16'8". This is a difference of just 7 inches. Given that my house was originally built 7 inches into the setback, this is unique. Had the original construction been consistent with the set backs of the time, this porch would not be beyond the average setback of my neighbors. When building the porch I simply looked down the line of my street and thought that an 8 foot porch was reasonable given the setbacks of my neighbors. There is only one site possible for a front porch. This is an open porch encouraging community relationships.

Also unique is that I have a power line in the ten foot easement in front of my house. There are only 2 houses on the entire street that have this situation. This hinders the ability for me to have a shade tree canopy hang in the south direction, where I need it most. The city, to protect their service wires cut back any south facing limbs. The only tree in the front yard is to the east side just adjacent the driveway. It is an older elm that is dying and drops limbs with regularity. I have photos of the tree. The only recourse I have for shade until a new tree matures (15-20 years) in my front yard is a porch covering.

(b) The hardship is not general to the area in which the property is located because:

The fact that my house is south facing and has a power line in the front easement.

AREA CHARACTER:

3. The variance will not alter the character of the area adjacent to the property, will not impair the use of adjacent conforming property, and will not impair the purpose of the regulations of the zoning district in which the property is located because:

I have added a front porch that is in line with craftsman style of the original houses in this neighborhood that is open on 3 sides. The sight lines down the street are not impaired, but strengthened with the addition of this porch. Several of my neighbors have commented on how much they like the new porch. It doesn't impair the zoning as I have not added living space and have simply used set back rules that were originally allowed. I have gathered over 40 signatures from the homeowners in my subdivision on 3rd street, 2nd and 4th streets all in support of the aesthetic of my porch.

PARKING: (Additional criteria for parking variances only.)

Request for a parking variance requires the Board to make additional findings. The Board may grant a variance to a regulation prescribed Section 479 of Chapter 25-6 with respect to the number of off-street parking spaces or loading facilities required if it makes findings of fact that the following additional circumstances also apply:

1. Neither present nor anticipated future traffic volumes generated by the use of the site or the uses of sites in the vicinity reasonable require strict or literal interpretation and enforcement of the specific regulation because:

2. The granting of this variance will not result in the parking or loading of vehicles on public streets in such a manner as to interfere with the free flow of traffic of the streets because:

3. The granting of this variance will not create a safety hazard or any other condition inconsistent with the objectives of this Ordinance because:

4. The variance will run with the use or uses to which it pertains and shall not run with the site because:

NOTE: The Board cannot grant a variance that would provide the applicant with a special privilege not enjoyed by others similarly situated or potentially similarly situated.

APPLICANT CERTIFICATE – I affirm that my statements contained in the complete application are true and correct to the best of my knowledge and belief.

Signed _____ Mail Address 2714 E 3rd St

City, State & Zip Austin, TX 78702

Printed Brian Evans Phone 512-228-9861 Date 09/15/2010

OWNERS CERTIFICATE – I affirm that my statements contained in the complete application are true and correct to the best of my knowledge and belief.

Signed _____ Mail Address 2714 E 3rd St

City, State & Zip Austin, TX 78702

Printed Brian Evans Phone 512-228-9861 Date 09/15/2010

GENERAL INFORMATION FOR SUBMITTAL OF A VARIANCE REQUEST TO THE BOARD OF ADJUSTMENT

(The following is intended to provide assistance in explaining the variance process. These suggestions are not intended to be a complete or exhaustive guide in assisting you through this process.)

VARIANCE REQUIREMENTS:

General Requirements:

- A. A variance may be granted if, because of special circumstances of a property, the strict application of the Land Development Code regulations deprives the property owner of privileges that are enjoyed by another person who owns property in the area that has the same zoning designation as the property for which the variance is requested.
- B. A variance to a regulation may not grant special privileges that are inconsistent with the limitations on other properties in the area or in the district in which the property is located.

SUBMITTAL REQUIREMENTS: (Failure to complete the application or to submit all the required materials will result in non-acceptance of the application.)

- (1) A completed application indicating all variances being requested. An application must include proposed findings that will support requested variances. The required findings must address each variance being sought.
- (2) A site plan to scale indicating present and proposed construction and location and use of structures on adjacent lots.
- (3) A tax plat with subject property clearly marked indicating property within a 500-foot radius. These are available from the Travis Central Appraisal District at 8314 Cross Park Drive (834-9138).
- (4) Check made payable to the City of Austin for the Board of Adjustment application fee. (Residential zoning - \$360. All other zonings - \$660.)



















